

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Craig B Westrick
Sally A Westrick**
Debtor(s)

Bankruptcy Case No.: 19-23203-CMB
Per September 10, 2020 Proceeding
Chapter: 13
Docket No.: 66 – 53, 55
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 22, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$4,422.00 as of September, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim(s) of the following creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record: Wells Fargo (Cl. #11); PSECU (Cl. #12-2).

American Honda Finance (Cl. #3) to be paid 32 payments at \$269.50 plus arrears of \$282.45 for a total of \$8,906.45.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 16, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Craig B Westrick
 Sally A Westrick
 Debtors

Case No. 19-23203-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dric
 Form ID: 149

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 Total Noticed: 43

Date Rcvd: Sep 16, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 18, 2020.

db/jdb
 cr +Craig B Westrick, Sally A Westrick, 219 Pinnacle Court, Valencia, PA 16059-2235
 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 15104807 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: American Honda Finance, 201 Little Falls Drive,
 Wilmington, DE 19808)
 15104804 +Aes / Keybank Na, Po Box 61047, Harrisburg, PA 17106-1047
 15104805 +Aes / Pheaa Frn, PO Box 61047, Harrisburg, PA 17106-1047
 15104806 +Aes / Pnc Bank, Po Box 61047, Harrisburg, PA 17106-1047
 15104808 +Amex, PO Box 981537, El Paso, TX 79998-1537
 15104809 +Amex Dsnb, Po Box 8218, Mason, OH 45040-8218
 15104810 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
 15104811 +Best Buy / Cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 15142774 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
 15104812 +Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
 15104813 CornerStone Education Loan Services/Dept. of Ed., PO Box 145123,
 Salt Lake City, UT 84114-5123
 15198211 ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
 15104814 +Fm / Keybank, 121 South 13th Street, Lincoln, NE 68508-1904
 15104815 +Ford Motor Credit Company, Po Box 542000, Omaha, NE 68154-8000
 15104816 +Glelsi / Key Education, 2401 International Lane, Madison, WI 53704-3121
 15110200 Infiniti Financial Services, POB 660366, Dallas, TX 75266-0366
 15117086 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 15104820 ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366
 (address filed with court: Nissan-Infiniti Lt, 8900 Freeport Parkway, Irving, TX 75063)
 15104819 +National Collegiate Trust, PO Box 7860, Madison, WI 53707-7860
 15130207 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 15123992 +PNC Bank, N.A., Boston Portfolio Advisors as Authorized, Agent for PNC Bank, N.A.,
 600 Corporate Drive, Suite 502, Fort Lauderdale, FL 33334-3662
 15104825 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
 15109300 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON, WI 53708-8973
 15104826 +Us Department Of Education / Glelsi, Po Box 7860, Madison, WI 53707-7860
 15120386 Wells Fargo Bank, N.A., Default Document Processing, MAC# N9286-01Y,
 1000 Blue Gentian Road, Eagan, MN, 55121-7700
 15104827 +Wells Fargo Financial Leasing, 800 Walnut Street, Des Moines, IA 50309-3891
 15104828 +Wells Fargo Home Mortgage, Po Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 17 2020 04:48:25
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr E-mail/Text: bankruptcynotices@psecu.com Sep 17 2020 04:43:09 PSECU, PO Box 67013,
 Harrisburg, PA 17106-7013
 15112822 E-mail/Text: ebnbankruptcy@ahm.honda.com Sep 17 2020 04:42:48
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088
 15143356 E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 17 2020 04:42:54 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15104817 E-mail/PDF: ais.chase.ebn@americaninfosource.com Sep 17 2020 04:48:47
 JPMorgan Chase Bank Card, Po Box 15298, Wilmington, DE 19850
 15117275 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Sep 17 2020 04:42:52 KeyBank N.A.,
 4910 Tiedeman Rd, Brooklyn, Oh 44144-2338
 15104818 +E-mail/Text: PBNCNotifications@perituservices.com Sep 17 2020 04:41:10 Kohls / Capital One,
 Po Box 3115, Milwaukee, WI 53201-3115
 15137103 E-mail/PDF: resurgentbknnotifications@resurgent.com Sep 17 2020 04:48:03 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15145142 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 17 2020 04:48:25
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15104821 +E-mail/Text: bankruptcynotices@psecu.com Sep 17 2020 04:43:09 PSECU,
 Attention: Bankruptcy, PO Box 67013, Harrisburg, PA 17106-7013
 15104822 +E-mail/PDF: gecsedirecoverycorp.com Sep 17 2020 04:47:49 Synch / Gap DC, Po Box 965005,
 Orlando, FL 32896-5005
 15104823 +E-mail/PDF: gecsedirecoverycorp.com Sep 17 2020 04:47:50 Synch / Levin, Po Box 965036,
 Orlando, FL 32896-5036
 15104824 +E-mail/PDF: gecsedirecoverycorp.com Sep 17 2020 04:48:17 Synch / Lowes, Po Box 965005,
 Orlando, FL 32896-0001
 15105332 +E-mail/PDF: gecsedirecoverycorp.com Sep 17 2020 04:47:52 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 14

District/off: 0315-2

User: dric
Form ID: 149

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Total Noticed: 43

Date Rcvd: Sep 16, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nissan Motor Acceptance Corporation
cr Wells Fargo Bank, N.A.
cr* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 18, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 16, 2020 at the address(es) listed below:

Brian Nicholas on behalf of Creditor Nissan Motor Acceptance Corporation
bnicholas@kmlawgroup.com
Daniel P. Foster on behalf of Joint Debtor Sally A Westrick dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Craig B Westrick dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Nissan Motor Acceptance Corporation
bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Thomas Song on behalf of Creditor Wells Fargo Bank, N.A. pawb@fedphe.com

TOTAL: 8